

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

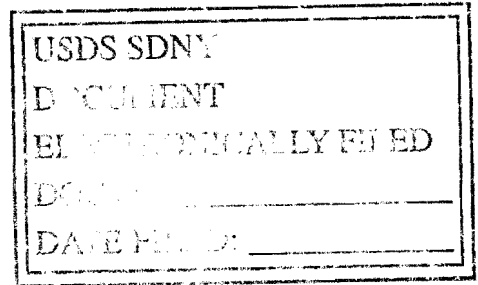
JOSEPH BROOKS,

Petitioner,

-v-

RANDY JAMES, Superintendent, Livingston
Correctional Facility,

Respondent.



Case No. 07-CV-11568 (KMK)

ORDER ADOPTING REPORT AND
RECOMMENDATION

KENNETH M. KARAS, District Judge:

On November 17, 2010, Magistrate Judge Yanthis entered a Report & Recommendation ("R&R") recommending that this Court dismiss Petitioner's habeas corpus Petition. (R&R 4-5 (Dkt. No. 9).) In the R&R, Magistrate Judge Yanthis provides notice that objections to his conclusions were due within seventeen days, and that failure to object would constitute a waiver of Petitioner's right to appeal. (*Id.* at 5.) No objections have been filed.

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Eisenberg v. New England Motor Freight, Inc.*, 564 F. Supp. 2d 224, 226 (S.D.N.Y. 2008). The Court has reviewed the R&R and finds no error, clear or otherwise. The Court therefore adopts the R&R in its entirety, and it is hereby

ORDERED that the Petition is DISMISSED. The Clerk of the Court is respectfully requested to close this case.

Because Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c)(2); *Lucidore v. N.Y. State Div. of Parole*, 209 F.3d 107, 111-12 (2d Cir. 2000). In addition, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962).

DATED: White Plains, New York
January 30, 2012

A handwritten signature in black ink, appearing to read "KMK", written over a horizontal line.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE